

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-CV-10879-JLT

KIMBERLY GENEREUX,)	
Plaintiff)	
)	
v.)	JOINT STATEMENT PURSUANT TO
)	<u>LOCAL RULE 16.1 (D)</u>
COLUMBIA SUSSEX CORPORATION)	
d/b/a WESTIN CASUARINA HOTEL,)	
STARWOOD HOTELS & RESORTS)	
WORLDWIDE, INC., WESTIN LICENSE)	
COMPANY, WESTIN LICENSE COMPANY)	
NORTH, WESTIN MANAGEMENT)	
COMPANY NORTH, INC., WESTIN)	
MANAGEMENT COMPANY EAST,)	
WESTIN NORTH AMERICA MANAGEMENT)	
COMPANY, INC., GALLEON BEACH)	
RESORT, LTD., and CORPORATE)	
DEFENDANTS X1-100,)	
Defendants)	

Pursuant to United States District Court for the District of Massachusetts Local Rule 16.1 (D) and the Notice of Scheduling Conference, the parties¹ state that they have conferred and propose the following:

I. PRE-TRIAL CONFERENCE AGENDA

The parties agree that the Pre-Trial Conference agenda should follow that set forth in Local Rule 16.1 and 16.3 and should include the following:

1. Establishment of a Pre-Trial Schedule;

¹For the reasons set forth in the Assented To Motion for Additional Time to Comply With Discovery Order and Join In Local Rule 16.1 Statement, filed in this action on April 28, 2006, defendants Westin License Company, Westin Management Company North f/k/a Westin License Company North, Westin Management Company East, and Westin North America Management Company are not participating in this Joint Statement.

2. Consideration of settlement issues, including Alternative Dispute Resolution;
3. Consideration of consent to Trial by Magistrate Judge.

II. PROPOSED DISCOVERY & MOTION SCHEDULE

Deadline for Mandatory Disclosure	April 28, 2006
Deadline for Amendment to the Pleadings and Motions Under Fed. R. Civ. P. 12, 15, 19 and 20:	July 31, 2006
Identification of Plaintiff's Trial Experts, pursuant to Fed. R. Civ. P. 26(a)(2):	June 30, 2007
Identification of Defendants' Trial Experts, pursuant to Fed. R. Civ. P. 26(a)(2):	July 31, 2007
Completion of All Discovery including Expert Depositions:	September 28, 2007
Deadline for Filing Motions for Summary Judgment:	October 31, 2007
Deadline for Opposing Motions for Summary Judgment:	November 30, 2007
Settlement Conference:	December 14, 2007
Final Pre-Trial Conference:	December 31, 2007.

Phased discovery is unnecessary in this case.

III. PROPOSED DISCOVERY

The parties wish to notify the Court that the incident which gives rise to this action occurred in the Cayman Islands, a British overseas territory, that many of the percipient witnesses reside in the Cayman Islands or elsewhere in the British Commonwealth, that British and Caymanian laws concerning the

production of medical and public records are not as liberal as those in the United States requiring more effort to obtain documents, and that international, British and Caymanian procedures, laws and rules for compelling testimony and production of documents likely will be required in order to enable the parties to complete discovery. Therefore, the parties suggest to the Court that one or more of them may in the future find it necessary to request that the limitations of the Local Rules and Federal Rules concerning discovery be increased or extended.

IV. PROPOSED DEPONENTS

The plaintiff anticipates that she will need to depose at least the following witnesses:

1. Denzil Luke, Cayman Islands, British West Indies
2. Detective Superintendent Michael William Needham, Royal Cayman Islands Police, Grand Cayman, Cayman Islands, British West Indies
3. Detective Sergeant Eustace Joseph, Royal Cayman Islands Police, Grand Cayman, Cayman Islands, British West Indies
4. Special Constable Carolyn Parker, Royal Cayman Islands Police, Grand Cayman, Cayman Islands, British West Indies
5. Kafara Augustin, Royal Cayman Islands Police, Grand Cayman, Cayman Islands, British West Indies

6. Special Constable Kenneth Bryant, Grand Cayman, Cayman Islands, British West Indies
7. Dr. Radovic, Cayman Islands Hospital, Grand Cayman, Cayman Islands, British West Indies
8. Womens Detective Inspector Karen Mills, Royal Cayman Islands Police, Grand Cayman, Cayman Islands, British West Indies
9. Tammy Ebanks Bishop, Grand Cayman, Cayman Islands, British West Indies
10. Bartender(s) on duty, Westin Casuarina Hotel, Grand Cayman, Cayman Islands, British West Indies
11. Manager(s) on duty, Westin Casuarina Hotel, Grand Cayman, Cayman Islands, British West Indies
12. Authorized representatives of each defendant/co-defendant
13. Employees of the Westin Casuarina Hotel present at the scene at or about the time of the incident that is the subject of this action
14. Employees of the defendants who have knowledge about the security policies and practices of the Westin Casuarina Hotel, Grand Cayman, Cayman Islands, British West Indies
15. Employees of the defendants who have knowledge about the design of the Westin Casuarina Hotel, Grand Cayman, Cayman Islands, British West Indies
16. Any other person or entity identified during discovery as having knowledge of the incident and the issues that are

relevant to the subject of this action.

The defendants anticipate that they will need to depose at least the following witnesses:

1. Kimberly Genereux
2. Authorized representatives of each defendant/co-defendant
3. Employees of the Westin Casuarina Hotel present at the scene at or about the time of the incident that is the subject of this action
4. Representatives of the Royal Cayman Islands Police and/or appropriate Cayman Island law enforcement authority involved in the investigation of the incident that is the subject of this action
5. Any other person or entity identified during discovery as having some knowledge of the incident that is the subject of this action.

V. DISCOVERY CERTIFICATIONS

The parties will file separately their Local Rule 16.1(D)(3) certifications at the time of the Rule 16 Scheduling Conference.

VI. TRIAL BY MAGISTRATE JUDGE

The parties do not consent to trial by Magistrate Judge.

VII. ALTERNATIVE DISPUTE RESOLUTION

The parties have consulted about the possibility of Alternative Dispute Resolution. All of the parties executing this Joint Statement are agreeable to mediation at the

appropriate time.

VIII. SETTLEMENT PROPOSALS

The plaintiff has not made written demand for settlement yet as she has not fully determined her damages. However, Ms. Genereux has provided the methodology by which she anticipates calculating her damages to the defendants pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 16.1(B)(a).

IX. CERTIFICATION

The parties hereby certify through counsel that they have consulted regarding the establishment of litigation budgets and proposals to resolve the matter through Alternative Dispute Resolution. Certifications executed by Robert Brown as attorney for the defendant, Columbia Sussex Corporation, and by a representative of said defendant's insurer are filed herewith. The parties further certify that they have discussed the proposed pre-trial schedule and agenda and have agreed to the schedule set forth above.

X. PENDING MOTIONS

None.

The Plaintiff,
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By her Attorney,

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